IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 350 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAJESHBHAI MAGANBHAI BHIMANI

Versus

MAGANLAL GORDHANDAS BHIMANI

Appearance:

1. Appeal from Order No. 350 of 2002

MR CL SONI for Appellant No.

MR YOGESH S LAKHANI for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 20/01/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 24/07/2002 passed below application exh.5 by the learned Civil Judge (S.D.), Dhoraji, in Special Civil Suit No.364 of 2001,

whereby the said application was rejected.

2. While admitting this matter, this Court by order dated 03/03/2003 passed in Civil Application No.5769 of 2002 had confirmed the interim relief granted by the trial Court. It would be appropriate to direct the parties to maintain the said position till the suit pending before the said Court is finally disposed of.

3. I have heard learned counsel for the parties and have perused the relevant documents on record. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the trial Court is directed to expedite the hearing of the said suit.

4. Therefore, without entering into the merits of the matter, the trial Court is directed to hear and dispose of Special Civil Suit No.364 of 2001 pending before the Court of the learned Civil Judge (S.D.), Dhoraji as expeditiously as possible and preferably within a period of one year from the date of receipt of writ of this order since the issues are already framed.

5. With the above observations and directions, the Appeal from Order stands disposed of. Parties are directed to maintain status quo till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

[K. S. JHAVERI, J.]
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